

REMARKS

Reconsideration of the above-identified patent application is respectfully requested. The Examiner is thanked for the careful examination of the application, and for the indication of allowable subject matter.

In response to the Official Action, claims 1-9 have been amended, and claims 4, 5, and 6 have been rewritten in independent form. Accordingly, there are four independent claims and five dependent claims pending in the application.

Drawings:

The Examiner has objected to the drawings alleging that the two belt portions 7 and 8 which are able to be fastened together around a wearer's waist must be shown. The Examiner's attention is directed to Figures 1 and 5, wherein the belt portions 7, 8 are illustrated. As indicated at page 5, lines 15-27, the fastener device 6 on belt portion 7 is fastened to the opposite end of belt portion 8, at least in the preferred disclosed embodiment of the present invention. Furthermore, according to the preferred disclosed embodiment, after the fastener device 6 is secured to belt portion 8, the end of the diaper 5, which is not attached to the belt 3 is then lifted up and secured to the outer surface of the belt 3. Accordingly, the two belt portions are shown in at least Figures 1 and 5. However, the present invention is not limited to the preferred disclosed embodiments.

Specification:

Submitted herewith is an abstract of the disclosure on a separate sheet.

Claim Rejections - 35 U.S.C. §112:

Concerning claim 1, the stiffness has an extension in the longitudinal direction, and the longitudinal direction essentially coincides with the length of the belt. Thus, in response to the question raised by the Examiner, although the stiffness extends in the longitudinal direction of the belt, the stiffness does not necessarily extend the entire length of the belt. See, for example, page 8, lines 18-21, wherein it says that it may be appropriate to leave a piece of each end of the belt free from stiffening material. However, the present invention also contemplates a belt where the stiffness does extend the entire length of the belt in the longitudinal direction.

Claim 4 has been rewritten in independent form, and also has been amended to insure that there is antecedent basis for each of the elements in the claim.

Claim 5 has also been rewritten in independent form, and has also been amended to insure that there is antecedent basis for each of the claim elements. In addition, the term "cross-section" has been clarified. And, the term "at least one edge part" has been clarified as being a longitudinally extending edge part.

With regard to claim 6, the term "at least one edge part" has been similarly clarified, as in claim 5.

Art Rejections:

Claims 1-3 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,607,416, hereinafter *Yamamoto*. In response to that rejection, claim 1 has been amended to more clearly distinguish the invention over the cited prior art.

Yamamoto discloses a disposable absorbent pad having a waist band 2 extending around it. The waist band 2 includes two sheets 2a, 2b with elastic threads 12 disposed therebetween. However, the elastic waist band of *Yamamoto* does not teach or suggest the principles of the present invention. To more clearly distinguish the present invention from *Yamamoto*, claim 1 has been amended to clarify that the two belt portions are separate belt portions, and one end of each of the two separate belt portions is fastened to the absorbent part, and opposite ends of each of the two separate belt portions extend in respective directions from the absorbent part and are intended to be fastened together around a wearer of the garment. Support for the amendment to claim 1 may be found on page 4, lines 27-30.

In view of the structure of the pad member 1 in *Yamamoto*, it would not be obvious, or even possible, to modify *Yamamoto* to teach or suggest now amended claim 1. Specifically, the slits 8 in the *Yamamoto* pad 1 would clearly prevent the use of two separate belt portions fastened to opposites ends of the absorbent pad. The pad would split apart in the center section thereof.

Accordingly, amended claim 1 is clearly patentable over *Yamamoto*.

Claims 2 and 3 depend from claim 1, and are thus also patentable over *Yamamoto* at least for the reasons set forth above with respect to claim 1.

The Examiner has indicated that claims 4-8 contain allowable subject matter. Accordingly, claims 4, 5, and 6 have been rewritten in independent form without substantively changing the scope of the claims.

Claims 7 and 8 depend from claim 6, and are thus also patentable over the cited prior art.

Two separate claims had been given the number "7". Accordingly, in the foregoing amendments, one of the claims has been renumbered claim 8. And, claim 8 has been renumbered claim 9. Accordingly, claims 7-9 depend from claim 6, and are thus also patentable over *Yamamoto*.

Information Disclosure Statement:

The Examiner's attention is directed to the fact that an Information Disclosure Statement was filed in this application on July 20, 2000, less than three months after the original filing date of the application. For the convenience of the Examiner, a copy of the Information Disclosure Statement is submitted, together with a postcard receipt indicating receipt of the Information Disclosure Statement by the U.S. Patent and Trademark Office. The Examiner is respectfully requested to consider the information identified in the Information Disclosure Statement and to return an initialed copy of the Information Disclosure Citation Form, PTO-1449, to Applicants' attorney, reflecting consideration of the information cited therein. If the Examiner would like copies of any of the references that were originally submitted with the Information Disclosure Statement, the Examiner is respectfully urged to telephone the undersigned at 703-838-6510, and copies will be promptly submitted.

All other issues being addressed, the present application should now be in condition for allowance.

In the event that there are any other questions concerning this application, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: William C. Rowland
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: January 16, 2002

Attachment to Amendment dated January 15, 2002

Marked-up Claims -

1. (Twice Amended) A garment comprising an absorbent part and a waist belt which has a longitudinal direction and a cross-direction and which is attached directly or indirectly to said garment, wherein said belt includes two separate belt-portions which extend generally in said longitudinal direction one end of each of the two separate belt-portions is fastened to the absorbent part, and opposite ends of each of the two separate belt-portions extend in respective directions from said absorbent part and [which] are intended to be fastened together around a wearer of the garment, which belt has a stiffness that varies in the cross-direction of the belt, [characterised in that] wherein the stiffness that varies has an extension in the longitudinal direction that essentially coincides with the length of the belt.

2. (Twice Amended) A garment according to claim 1, [characterised in that] wherein the belt comprises in its cross-direction at least two mutually adjacent regions of mutually different stiffness.

3. (Twice Amended) A garment according to claim 2, [characterised in that] wherein the belt has a longitudinally extending central part that is stiffer than at least one longitudinally extending edge-part of said belt.

Attachment to Amendment dated January 15, 2002

Marked-up Claims -

4. (Twice Amended) A garment comprising an absorbent part and a waist belt which has a longitudinal direction and a cross-direction and which is attached directly or indirectly to said garment, wherein said belt includes two belt-portions which extend generally in said longitudinal direction in respective directions from said absorbent part and which are intended to be fastened together around a wearer of the garment, which belt has a stiffness that varies in the cross-direction of the belt, wherein the stiffness that varies has an extension in the longitudinal direction that essentially coincides with the length of the belt [according to claim 1], [characterised in that] wherein a part of the belt being located centrally between the two [stiffened] belt-portions [have] has one and the same degree of stiffness throughout the whole of its area.

5. (Twice Amended) A garment comprising an absorbent part and a waist belt which has a longitudinal direction and a cross-direction and which is attached directly or indirectly to said garment, wherein said belt includes two belt-portions which extend generally in said longitudinal direction in respective directions from said absorbent part and which are intended to be fastened together around a wearer of the garment, which belt has a stiffness that varies in the cross-direction of the belt, wherein the stiffness that varies has an extension in the longitudinal direction that essentially coincides with the length of the belt [according to claim 1], wherein [characterised in that] the two belt-portions of said belt are comprised of a generally homogenous material; and [in that] a cross-section through

Attachment to Amendment dated January 15, 2002

Marked-up Claims -

one or both of said belt-portions taken in the cross-direction presents at least one longitudinally extending edge-part that is thinner than [the] a central part of said cross-section.

6. (Twice Amended) A garment comprising an absorbent part and a waist belt which has a longitudinal direction and a cross-direction and which is attached directly or indirectly to said garment, wherein said belt includes two belt-portions which extend generally in said longitudinal direction in respective directions from said absorbent part and which are intended to be fastened together around a wearer of the garment, which belt has a stiffness that varies in the cross-direction of the belt, wherein the stiffness that varies has an extension in the longitudinal direction that essentially coincides with the length of the belt [according to claim 1], wherein [characterised in that] at least one longitudinally extending edge-part of the belt has been treated so as to change the stiffness of the material locally.

7. (Twice Amended) A garment according to claim 6, wherein [characterised in that] the at least one edge-part of said belt has been heat-treated.

Attachment to Amendment dated January 15, 2002

Marked-up Claims -

[7] 8. (Twice Amended) A garment according to claim 6, wherein [characterised in that] the at least one edge-part of said belt has been treated with electromagnetic radiation.

[8]9. (Twice Amended) A garment according to claim 6, [characterised in that] wherein the at least one edge-part of said belt has been worked mechanically.